

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	No. 07 CR 707-1
v.)	
)	Judge Ronald Guzman
RODNEY TANNER, Defendant.)	

DEFENDANT RODNEY TANNER’S SENTENCING MEMORANDUM

The defendant Rodney Tanner is scheduled to be sentenced by your Honor tomorrow, July 30, 2008. He is facing a considerable amount of time in the penitentiary. The Presentence Investigation has been completed and read by the Court. It is accurate, and the Defendant agrees with the analysis of the writing officer that he does not qualify as a “leader organizer” as the Government contended. (lines 124-138). There is a considerable difference, however, between what the parties contemplated at the time of the plea and what the Probation Officer calculated as the advisory outcome.

Mr. Tanner has a serious criminal history. In fact the parties had contemplated that he was a criminal history category V, and depending upon the “leader organizer” or “role in the offense” outcome, the Guideline range was either 210 to 262 months or 168 to 210 months. It is clear that Counsel missed some offenses. Those ranges, however, were considered fair by the parties at the time of the plea.

The Probation Officer’s Guideline calculation adds another 4 to 8 years to the advisory sentence. The Defendant, through his Court appointed attorney, Ronald J. Clark, respectfully urges this Court to go back to what had been contemplated and sentence him within that range.

Counsel and Mr. Tanner had considerable discussion about whether this case should go to trial or not. It was Counsel's belief that the nature of this case suggested strongly that there had been entrapment. The ATF procured Mr. Tanner through an informant on the street. The agent posing as a disgruntled Mexican cartel courier anxious to rip off his bosses was persuasive, and there never was a drug house to rob. There never were any drugs. The whole event was made up. The Defendant, however, decided he wanted to plead and not go to trial. Counsel is still troubled by the nature of this offense, though such "stings" have been held legal.

Counsel is bringing this up not because the Defendant is equivocating on his guilt. He insisted on pleading guilty and acknowledging each and every element of the charge. Counsel simply finds it troublesome.

The Defendant is keenly aware at this point what is important in life. Two people have stood by him throughout this and much of his past, his son and the woman who has supported him for years Jiotania Copeland.

Jiotania would have come to Court, but her illness and the fact that she cares for children prevented it. She and Mr. Tanner's son and his step children are Mr. Tanner's real family. They are the ones who will help him get through this lengthy prison sentence. Mr. Tanner's son, who is now 16, will not really get a chance to be with his father in any meaningful normal way until he is well into his 30s.

The mandatory minimum in this case is 15 years. A sentence of 210 months meets all the criteria that this Court must consider in reaching an appropriate sentence. It provides

adequate punishment and deterrence, does not diminish the seriousness of the offense, sends the right message to others and provides more than enough time for rehabilitation.

Counsel understands that this Court does not make specific recommendations as to what BOP institution a Defendant is sent. In this case, however, it is not entirely clear from the Defendant's family history, where his "family" is. Counsel would respectfully urge the Court to recommend that the BOP take into consideration that the Defendant desires to be placed as near to his family as is practicable and that it consider as his family Jiotania Copeland and their son as "family."

Respectfully submitted,

s/Ronald J. Clark

Ronald J. Clark, Attorney for Defendant

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